

REMARKS/ARGUMENTS

Claims 1-19 are pending. In the Office Action dated 12/22/2006, the Examiner set forth a requirement for restriction pursuant to 35 USC 121 and 372, alleging that the subject matter defined by the claims is not so linked as to form a single general inventive concept under PCT Rule 13.1.

The Examiner has restricted the claims into four groups. Group I, claims 1- 4 and 15-16, in part, is drawn to a crystalline Form I of a compound/composition of tegaserod maleate, and their processes of making. Group II, claims 5-7, 15 and 17, in part, is drawn to a crystalline Form II of a compound/composition of tegaserod maleate, and their processes of making. Group III, claims 8-11, 15 and 18, in part, is drawn to a crystalline Form III of a compound/composition of tegaserod maleate, and their processes of making. Group IV, claims 12-15 and 19, in part, is drawn to a crystalline Form IV of a compound/composition of tegaserod maleate, and their processes of making.

PCT Rule 13.1 sets forth that the international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention"). PCT Rule 13.2 sets forth that the expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art. In the instant case, the special technical feature which links the claimed inventions is the structure of the compounds, which is not taught by U.S. Patent Application Publication No. 2005/0106236. Since the inventions are linked by this special technical feature they are a single inventive concept. In addition, this special technical feature defines an advance over the prior art because the claimed

polymorphs are not taught in the prior art. Since these are novel polymorphs, produced in a method not taught by the prior art, the claimed compounds and methods are an advance over the prior art.

Since the special technical feature which links the inventions is a contribution over the prior art, the claims have unity of invention under PCT Rule 13.1, and thus the requirement for restriction should be withdrawn. Reconsideration of the restriction requirement is respectfully requested.

Applicant has provisionally elected **with traverse**, Group I, claims 1-4 and 15-16 drawn to a crystalline Form I of a compound/composition of tegaserod maleate, and their processes of making. Applicant believes that the foregoing is a full and complete response to the Office Action of record.

Application No. 10/508,905
Amendment Dated 3/7/2007
Reply to Office Action of December 21, 2006

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

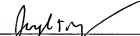
Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

March 7, 2007

Please charge or credit our
Account No. 03-0075 as necessary
to effect entry and/or ensure
consideration of this submission.

Respectfully submitted,

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